

**THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF NORTH CAROLINA
ASHEVILLE DIVISION
CRIMINAL CASE NO. 4:96-cr-00053-MR-2**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

ERIC WHEELER, a/k/a E,

Defendant.

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ORDER

THIS MATTER is before the Court on the Order of the Court of Appeals for the Fourth Circuit remanding this case for further consideration in light of United States v. Gravatt, 953 F.3d 258 (4th Cir. 2020), and United States v. Wirsing, 943 F.3d 175 (4th Cir. 2019).

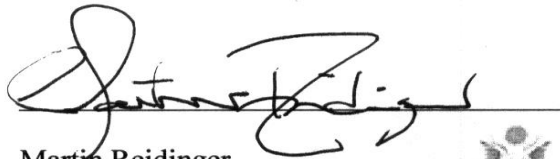
Upon consideration of the Fourth Circuit's Order, the Court finds and concludes that the Defendant is eligible for a reduction in his sentence pursuant to the First Step Act of 2018. Having determined that the Defendant is eligible for a reduction in his sentence, however, is not the end of the inquiry, as the Court must next determine the extent to which the Defendant's current sentence *may*, in the Court's discretion, be reduced. To that end,

the Court will allow the Government and the Federal Defender of Western North Carolina the opportunity to file supplemental briefs on the issue.

IT IS, THEREFORE, ORDERED that, within fourteen (14) days of the entry of this Order, the Federal Defender may file a supplemental brief, not to exceed ten (10) pages in length, addressing the issue of the extent to which the Defendant's sentence should be reduced. The Government shall have fourteen (14) days from the filing of the Federal Defender's brief to file its own supplemental brief, not to exceed ten (10) pages in length.

IT IS SO ORDERED.

Signed: June 2, 2020


Martin Reidinger
United States District Judge

